

REMARKS

Claims 1-4, 7-10 and 12-29 were pending prior to this amendment. Claims 1-4, 7-10 and 12-29 stand rejected. Claims 1, 2, 7-10, 12, 13, 16, 20-22, 24-27 and 29 have been amended. Claims 23 and 28 have been cancelled. At least in light of the above amendments and the foregoing remarks, reconsideration and allowance of the claims is respectfully requested.

August 13, 2007 telephone interview

A telephone interview was conducted between Examiner Jason Gee and Attorney Michael Cofield on Monday, August 13, 2007. During the telephone interview, Examiner Jason Gee indicated that the subject matter of dependent claim 23 is allowable.

The rejection of claim 10 was also discussed; however, no final agreement was reached with respect to that claim. The Examiner did agree that the teachings of Elliot, namely FIG. 1, disclose an IP link established through the *packet switched* data network 112, not the *circuit switched networks* connecting endpoints 102 and 122 to gateway site 108 and connecting the endpoints 120 and 124 to gateway site 110. However, the Examiner then took the position that the claim language “a processor configured to establish an Internet Protocol (IP) link for transferring encrypted IP packet payloads over a circuit switched network, the IP link extending across the circuit switched network...” read, as broadly as possible, does not require establishing an IP link through a circuit switched network. Although this interpretation of the claim scope is legal error because it is incongruent with the plain meaning of “over” and “extending across” (see MPEP 2111.01, first paragraph), in the interest of furthering prosecution Applicant has amended claim 10 to include the allowable features of claim 23.

Claim Rejections – 35 U.S.C. § 101

Claims 20-22 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claim 20-22 have been amended, and it is believed that these amendments overcome the rejection.

Claim Rejections – 35 U.S.C. § 112

Claims 28-29 are rejected under 35 U.S.C. § 112, first paragraph, under the written description requirement.

Claim 28 has been cancelled. Claim 29 no longer depends from 28, and it is believed that this amendment overcomes the rejection.

Claims 1-4, 7-9, 17-19, 20-22, and 28-29 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 1 and 2 have been amended for clarification. Claims 3-4 and 7-9 are dependent and it is believed that the amendment to claim 1 overcomes the rejection for these claims.

No amendments have been made to claim 17. The rejection was based on alleged lack of antecedent basis for the element “the encrypted media packets”. Inherent components of elements have antecedent basis in the recitation of the elements. *See* MPEP 2173.05(e). Here, “the encrypted media packets” is an inherent component of the “encrypted media” recited in the preamble. Thus, there is proper antecedent basis for “the encrypted media packets” and the rejection to claims 17-19 is improper.

Claim 20 has been amended, and it is believed that these amendments overcome the rejection. Claim 21 has been amended, and it is believed that these amendments over the rejection. Claim 22 is dependent and it is believed that the amendments to claim 20 overcome the rejection.

Claim 28 has been cancelled. Claim 29 no longer depends from 28, and it is believed that this amendment overcomes the rejection.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 3, 4, 8, 20, and 21 are rejected under 35 U.S.C. § 102(c) as being clearly anticipated by Elliot et al., U.S. Patent Publication No. 2004/0022237 (hereinafter Elliot).

Claim 1 has been amended to include features similar to the allowable features of claim 23. Namely, claim 1, as amended, includes the features of “establishing an Internet Protocol (IP) link that traverses the circuit switched network when the second gateway is configured for end-to-end secure transport, the IP link extending from the first gateway to the second gateway” and “reformatting the encrypted media packets for transport over the IP link when the second gateway is configured for end-to-end secure transport, said reformatting occurring without

decrypting an encrypted payload attached to the encrypted media packets”. These features are not disclosed or suggested by Elliot for at least the reason that Elliot discloses bridging a PSTN call with a packet switched call segment, not visa versa. Thus, claim 1 should be allowed.

Claims 3, 4 and 8 are dependant and should also be allowed.

Claim 20 has been amended to include features similar to the allowable features of claim 23. Thus, claim 20 should be allowed. Claim 21 is dependent and should also be allowed.

Claim Rejections - 35 U.S.C. § 103

Claims 2, 9, and 17 are rejected under 35 U.S.C. § 103(a) as being anticipated by Elliot as applied above, and in view of applicant’s admitted prior art (AAPA).

Claims 2 and 9 are dependent and should be allowed for at least similar reasons as claim 1.

No amendments have been made to claim 17. During the August 13, 2007 telephone interview the Examiner stated that the rejection to claim 10 would be maintained because he argued that the claim scope did not require establishing an IP link on a circuit switched network, despite the use of the terms “over” and “extending across.” Applicant notes that claim 17 includes the feature of “transferring the encrypted media packets over an Internet Protocol (IP) connection that traverses the circuit switched network and extends between the first and second gateways when the second gateway includes the capability for end-to-end secure real-time transport”. The term “traverses” cannot be read broadly to eliminate any requirement that the IP link is established through the circuit switched network. Moreover, this feature is not included in the alleged combination of Elliot and AAPA. Thus, claim 17 should be allowed.

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Elliot as applied above, and in view of Bulfer et al., U.S. Patent No. 5,392,357 (hereinafter Bulfer).

Claim 7 is dependent and should be allowed for at least the same reasons as claim 1.

Claims 10, 13, 22, and 25-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Elliot as applied above, and in view of Salovuori, U.S. Patent Publication No. 2002/0196781 (hereinafter Salovuori).

Claim 10 has been amended to include the features of allowable claim 23, thus claim 10 should be allowed. Claims 13 and 22 are dependent and should also be allowed for at least similar reasons as stated above.

Claim 25 has been amended to include features similar to allowable claim 23. Thus, claim 25 should be allowed. Claims 26 and 27 are dependent and should also be allowed.

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Elliot and Salovuori as applied above, and further in view of obviousness over Saadat et al., U.S. Patent Publication No. 2005/0125357 (hereinafter Saadat).

Claim 12 is dependent and should be allowed for at least the same reasons as claim 10.

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Elliot and Salovuori as applied above, and further in view of Bruce Schneier's *Applied Cryptography* (2nd Edition).

Claim 14 is dependent and should be allowed for at least the same reasons as claim 10.

Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Elliot, Salovuori, and Schneier as applied above, and further in view of being obvious over Bulfer et al.

Claim 15 is dependent and should be allowed for at least the same reasons as claim 10.

Claims 16 and 18-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Elliot and Salovuori as applied above, and in view of applicant's admitted prior art.

Claims 16, 18-27 and 29 should be allowed for at least the reasons previously discussed above. Claim 28 has been cancelled.

Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Elliot and applicant's admitted prior art as applied above, and in view of Bulfer.

Claim 18 is dependent and should be allowed for at least the same reasons as claim 17.

Claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Elliot, Bulfer, and applicant's admitted prior art as applied above, and further in view of Schneier.

Claim 19 is dependent and should be allowed for at least the same reasons as claim 17.

Claim 23 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Elliot, Salovuori, and the applicant's admitted prior art as applied above, and further in view of Hluchyj, U.S. Patent No. 6,381,238 (hereinafter Hluchyj).

Claim 23 has been cancelled and the allowable subject matter included in claim 10.

Claim 24 is rejected under 35 U.S.C. § 103(a) as being anticipated by Elliot and Salovuori as applied above, and further in view of Seshadri et al., U.S. Patent Application Publication No. 2004/0068481 (hereinafter Seshadri), and further in view of Bulfer.

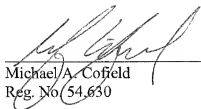
Claim 24 is dependent and should be allowed for at least the same reason as claim 10.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of all pending claims is requested. The Examiner is encouraged to telephone the undersigned at 503-222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.



Michael A. Cofield
Reg. No. 54,630

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204
503-222-3613
Customer No. 20575